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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,033	09/30/2003	Sachin G. Deshpande	SLA1391	5429
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MADSON & AUSTIN				
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SUITE 900				
SALT LAKE CITY, UT 84101				
EXAMINER				
CLOUD, JOIYA M				
ART UNIT		PAPER NUMBER		
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11/05/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/675,033

**Applicant(s)**

DESHPANDE, SACHIN G.

**Examiner**

Joiya M. Cloud

**Art Unit**

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-6,8-10,13-15,17-19,22-24,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8-10,13-15,17-19,22-24,26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

This action is responsive to communications 07/14/2008. Claims 1, 4-6, 8-10, 13-15, 17-19, 22-24, 26 and 27 are pending. Applicant's arguments and amendments have been carefully considered but are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., "*wherein the stream identifiers comprise a first stream access identifier that identifies...a second stream access identifier that identifies*" to the claims which significantly affected the scope thereof.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 4-6, 8-10, 13-15, 17-19, 22-24, 26 and 27** are rejected under 35 U.S.C. 102(e) as being anticipated by **Salmonsén (US Pub. No 2005/0033850 A1)**.

**As per claim 1**, Salmonsén teaches in a Universal Plug and Play (UPnP) server system having media content available for streaming, a method for distinguishing between an original

format of the media content and a non-original format of the media content, the method being implemented by a UPnP service, the method comprising identifying at least one media content identifier in a media content directory, wherein the media content identifier identifies the media content, identifying a plurality of stream access identifiers that are associated with the media content identifier (**col. 4, lines 65-col. 5, lines 1-13 and lines 41-50**), wherein the stream access identifiers identify different media data streams corresponding to the media content (**col. 20, lines 44-56, where the URI's identify content resources**), wherein the stream access identifiers comprise a first stream access identifier that identifies an original media data stream (**col. 13, lines 16-22, where the original media data stream is the compatible content that is transmitted without converting**) and a second stream access identifiers that identifies a non-original media data stream (**col. 13, lines 16-22, the incompatible content**), wherein the original media data stream corresponds to the original format of the media content and is streamed from the server system without transcoding or protocol translation being performed (**col. 13, lines 16-22, where Salmonsens teaches compatible content is forwarded directly to a device without conversion/transcoding, also col. 30, lines 17-19**); distinguishing between the first stream access identifier that identifies the original media data stream and the second stream access identifier that identifies the non-original media data stream (**col. 5, lines 41-50**); and in response to a client request, providing the client with identifier information about the first stream (**col. 11, lines 64-col. 12, lines 1-6**).

As per claim 4, Salmonsens teaches a method wherein identifying the at least one stream access identifier comprises receiving user input (**col. 11, lines 39-59**).

**As per claim 5**, Salmonsens teaches a method wherein identifying the at least one stream access identifier comprises matching a characteristic of the at least one stream access identifier to a similar characteristic of the media file (**col. 13, lines 16-22**).

**As per claim 6**, Salmonsens teaches a method wherein identifying the at least one stream access identifier comprises applying a rule to the plurality of stream access identifiers (**col. 13, lines 16-22**).

**As per claim 8**, Salmonsens teaches a method wherein the media content directory comprises an attribute that specifies whether a particular stream access identifier corresponds to the original stream (**col. 5, lines 45-48 and** ).

**As per claim 9**, Salmonsens teaches a method wherein the at least one stream access identifier comprises the attribute (**col. 5, lines 45-48**).

**As per claims 10 and 13-18**, claims 10 and 13-18 are substantially the same as claims 1-9, but in system rather than method form.

**As per claims 19-27**, claims 19-27 are substantially the same as claims 1 and 4-9 and therefore are rejected using the same rationale.

### ***CONCLUSION***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JMC**

**/William C. Vaughn, Jr./**

**Supervisory Patent Examiner, Art Unit 2444**

**October 26, 2008**